

72155-56

4/7/2014

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460



OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

April 7, 2014

Annette M. Bloomberg
Bayer Advanced
P.O. Box 12014
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Subject: Amended labeling to remove fruit and nut trees
Product Name: Merit 2.94 TLC Insecticide Concentrate
EPA Registration Number: 72155-56
Submission dated April 3, 2014

Dear Ms. Bloomberg:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, is acceptable. A stamped copy of the label is enclosed for your records. Please submit one copy of your final printed labeling before you release the product for shipment. Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). If you have any questions, please contact Julie Chao by phone at 703-308-8735, or by email at chao.julie@epa.gov.

Regards,

A handwritten signature in cursive script that reads "Venus Eagle".

Venus Eagle, Product Manager 01
Insecticide-Rodenticide Branch
Registration Division (7505P)

(Front Panel)

Merit[®] 2.94 TLC

Insecticide Concentrate

- Prevents damage from listed [insects] pests
- Insects stop eating when they feed on the plant
- Protects trees and shrubs from damaging insects with one easy treatment
- Protects new growth from insect damage
- Controls insects that damage trees and shrubs
- Year-long insect protection for trees and shrubs with one application
- 12-month insect protection. Kills insects and prevents new infestations
- One application protects up to 12 months
- One gallon treats up to 20 medium size trees or 42 average size shrubs
- Insect protection that won't wash off
- Prevents insects from damaging trees and shrubs
- Will not harm trees and shrubs
- For use on [landscape] ornamental trees, and shrubs
- Landscape Formula – Treats twice as much†
- Kills insects including Emerald Ash Borer
- 100% Satisfaction Guaranteed* [or your money back]

ACTIVE INGREDIENT:

Imidacloprid 2.94 %

OTHER INGREDIENTS:

..... 97.06 %

TOTAL:

100.00%

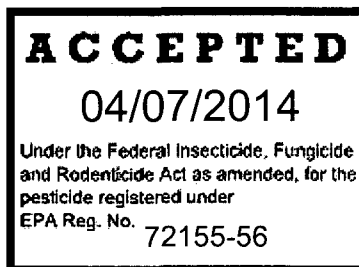
KEEP OUT OF REACH OF CHILDREN

CAUTION

See Back Panel [Booklet] for Additional Ingredients and Precautionary Statements

Not for sale, sale into, distribution and or use in Nassau, Suffolk, Kings, and Queens counties of New York.

[] Information is optional



(BACK PANEL)

Merit 2.94 TLC Insecticide Concentrate provides 12-month systemic protection against damaging insects including Adelgids, Aphids, Leafminers, Japanese Beetles, and Emerald Ash Borers. Having beautiful pest-free trees and shrubs has never been easier.

READ THE LABEL FIRST!

| | |
|--|--|
| QUICK FACTS | |
| <ul style="list-style-type: none"> • Provides Year Long (12-month) Insect Protection • Will Not Harm Trees and Shrubs • Easy to Use . . . Mix in Water and Pour Around Plant (Tree/Shrub) • Not Affected by Rain [Sprinklers] • [Convenient MEASURE-UP™ Cup] • No Spraying, Just mix...and pour, Protects entire tree for up to 12-months. | |
| KILLS | Adelgids, Aphids, Bronze Birch Borers, Emerald Ash Borers, Leafminers, Scale and other listed pests |
| COVERAGE | Trees: 256" of distance around tree(s) Shrubs: 42 (2 ft tall) |
| WHERE TO USE | Outdoor trees and shrubs. Do not apply to plants grown for food. |
| WHEN TO USE | Once a year or when insects are present |
| HOW MUCH TO USE | Trees: 0.5 ounce per inch of distance around trunk Shrubs: 1.5 ounces per foot of height [Roses: 1 oz per plant] |
| For questions or comments, call toll-free 1-877-BayerAG | |

FOR OUTDOOR RESIDENTIAL USE ONLY

ACTIVE INGREDIENT:

Imidacloprid 2.94 %

OTHER INGREDIENTS: 97.06 %

TOTAL 100.00%

EPA Reg. No. 72155-56

EPA Est. No. _____

Imidacloprid is the chemical name for Merit®

† This product contains twice the concentration of the Bayer Advanced 12-month Tree & Shrub Insect Control Concentrate.

| FIRST AID | |
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| If swallowed: | <ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. |
| If in eyes: | <ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice. |
| <p>NOTE: When calling poison control center, have this product label accessible. If seeking treatment at an emergency room or doctor's office, bring this product label to show medical personnel. You may call toll-free 877-229-3763 for medical emergency information.</p> <p>Active Ingredient: 2.94% Imidacloprid (CAS # 138261-41-3).</p> | |

| PRECAUTIONARY STATEMENTS |
|---|
| HAZARDS TO HUMANS AND DOMESTIC ANIMALS |
| <p>CAUTION</p> <ul style="list-style-type: none"> • Causes moderate eye irritation. • Avoid contact with skin, eyes, or clothing. • Wash thoroughly with soap and water after handling. |

ENVIRONMENTAL HAZARDS

- This pesticide is toxic to aquatic invertebrates.
- Do not dump rinse water into sewers or other bodies of water.
- To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters, or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.
- This product is highly toxic to bees exposed to direct treatment or residues on blooming plants or weeds. Do not apply product to blooming plants or weeds if bees are foraging in the treatment area.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. For best results, read and follow all label directions.

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| BEFORE YOU USE | RESTRICTIONS: <ul style="list-style-type: none"> • Do not apply near lakes, streams, rivers, or ponds. • Do not apply to soils which are water-logged or saturated. • Bucket or measuring utensils must not be used for any food or drinking water purposes after use with this product. • Do not apply this product, by any application method, to linden, basswood, or other Tilia species. • Do not apply more than 0.4 lbs Imidacloprid per acre per year. This bottle contains [x] lbs. of Imidacloprid. | |
| HOW TO USE | Determine the amount to use by measuring the distance around the tree trunk or height of the shrub. Pour the required amount into a bucket of water and empty the bucket around the base of the tree/shrub. | |
| FOR USE ON | Outdoor trees and shrubs | |
| CONTROLS [KILLS] | Adelgids Aphids Black Vine Weevil Larvae Borers Roundheaded (Including Asian Longhorned Beetle and Eucalyptus Longhorned Borers) Flatheaded (Including Bronze Birch, Alder Borers) and Emerald Ash Borer Japanese Beetles, Adult, Lacebugs Leaf Beetles (including Elm Leaf Beetles, Viburnum Leaf Beetles, and Willow Leaf Beetles) Leafhoppers (including Glassy-Winged Sharpshooter) Leafminers (Including Birch Leafminers) | Mealybugs Pine Tip Moth Larvae Psyllids Root Weevil Larvae (including black vine weevil) Royal Palm Bugs Sawfly Larvae Scales (including Armored Scale (Suppression) and Soft Scale) Thrips Whiteflies |
| HOW MUCH TO APPLY | <ul style="list-style-type: none"> • Trees: 0.5 oz per inch of distance around trunk • Shrubs: 1.5 oz per foot of height • Roses: 1 oz per plant] | |

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| HOW MUCH TO APPLY continued | Tree With One Trunk | Measure distance (in inches) around tree trunk at chest height. A flexible tape measure is the recommended method [tool]. Multiply the number of inches by 0.5 = this is the number of ounces of MERIT 2.94 TLC Insecticide Concentrate to apply. |
| | Tree With 2 or More Trunks | Measure the distance (in inches) around each tree trunk at chest height and add together. Multiply this total by 0.375 to get the required number of ounces of MERIT 2.94 TLC Insecticide Concentrate to apply. Example: A tree has 4 trunks. They measure 20, 10, 5 and 5 [inches] or a total of 40 [inches]. $40 \times 0.375 = 15$ ounces. |
| | Shrubs | Measure the height of the shrub to the nearest foot. Round any inches down to the nearest foot if less than 6" and up to the nearest foot if greater than 6". Multiply the number of feet by 1.5 – this is the number of ounces of MERIT 2.94 TLC Insecticide Concentrate to apply. |
| | Do not make more than one application per year. | |
| HOW TO APPLY | <ul style="list-style-type: none"> • Fill a bucket or watering can with 1 gallon of water. [For trees with trunks greater than 50" around, use 2 gallons of water.] • Shake the bottle of MERIT 2.94 TLC Insecticide Concentrate well. [• Remove the MEASURE-UP™ Cup. Each marking inside is one ounce.] • Carefully measure required amount of product into bucket. • Slowly pour the solution evenly around the plant (tree/shrub). For best results, pour as close to the TRUNK/main stem of the tree or shrub as possible. • Fill the bucket with clean water and pour it around the trunk as well. • Do not apply more than 0.4 lbs of imidacloprid (the active ingredient in this product) per acre per year. This bottle contains [X] lbs of imidacloprid. | |
| FOR BEST RESULTS | <p>Use this product as part of an overall tree, [and] shrub [and rose] health care program before problems start [preferably in the fall]. [However,] MERIT 2.94 TLC Insecticide Concentrate can be applied anytime except when the ground is waterlogged or frozen. These conditions inhibit the movement of the product down into the root zone. During prolonged dry periods [spells], water the tree/shrub well the night before making an application.</p> <p>[NOTE: Application to trees heavily infested may not prevent their eventual loss due to existing pest damage and tree stress.]</p> <p>For severe infestations, treat with a foliar insecticide such as MERIT + TEMPO Concentrate Insecticide II, then use MERIT 2.94 TLC Insecticide Concentrate as part of a routine care program.</p> <p>[Refer to [Consult] the [our] "MERIT 2.94 TLC Insecticide Concentrate Booklet/Kit" for additional [other] tree and shrub care [maintenance] tips [for more information].]</p> | |
| HOW MERIT 2.94 TLC INSECTICIDE CONCENTRATE WORKS | <p>The insecticide dissolved in water moves down through the soil, where it is absorbed by the roots. Once absorbed, it moves up through the tree or shrub providing year-long insect protection. This product even moves into new growth after application, thus protecting it, too! To get complete protection, the insecticide must distribute completely through the tree/shrub.</p> <p>Depending on the size and health of the plant this may take one week to three months (for very large trees.) Rain or water cannot wash off this internal protection.</p> | |



Children and pets may re-enter the treated area after it has dried.

| STORAGE AND DISPOSAL | |
|--|---|
| PESTICIDE STORAGE: | Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet. Protect from freezing. |
| PESTICIDE DISPOSAL & CONTAINER HANDLING: | <p>If Empty:</p> <ul style="list-style-type: none">• Non-refillable container. Do not refill or reuse container.• Place empty container in trash or offer for recycling if available <p>If Partly Filled:</p> <ul style="list-style-type: none">• Call your local solid waste agency or toll free 1-877-229-3724 for disposal instructions.• Never place unused product down any indoor or outdoor drain. |

NOTICE: Research and testing have determined that the "Directions for Use" are appropriate for the proper use of MERIT 2.94 TLC Insecticide Concentrate under expected conditions. The Buyer assumes responsibility for lack of performance or safety if not used according to the directions.

***Money Back Guarantee:** If you are not satisfied with this product, we will gladly refund your original purchase price.

Net Contents: 8 fl. oz. (237 mL) or 16 fl. oz. (473 mL) or 30 fl. oz. (887 mL) or 32 fl. oz. (946 mL) or 64 fl. oz. (1.89 L) or 120 fl. oz. (3.55 L) or 1 Gal (3.78 L)

PRODUCED FOR



A Division of Bayer CropScience LP
P.O. Box 12014, 2 T.W. Alexander Drive
Research Triangle Park, North Carolina 27709

Merit 2.94 TLC (PENDING) 03/19/2014